

FILED

MAY - 8 2012

CLERK, U.S. DISTRICT COURT

By _____
Deputy

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Came on for consideration the above-captioned action wherein Byron Montgomery is plaintiff and Michael J. Astrue, Commissioner of Social Security, is defendant. This is an action for judicial review of a final decision of the Commissioner denying plaintiff's claim for disability insurance benefits under the Social Security Act. On April 13, 2012, the United States Magistrate Judge issued his proposed findings and conclusions and his recommendation, and granted the parties until May 3, 2012, in which to file and serve objections. Plaintiff filed objections on April 25, 2012, and the Commissioner filed no response. After studying the filings of the parties, the magistrate judge's proposed findings and conclusions, and the applicable legal authorities, the court has decided to adopt the Magistrate

Judge's proposed findings and conclusions and accept his recommendation.

Therefore,

The court ORDERS that the decision of defendant that plaintiff has not shown that he is entitled to disability insurance benefits under the Social Security Act be, and is hereby, affirmed.

SIGNED May 8, 2012.



JOHN MCBRYDE
United States District Judge